

ORIGINAL

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

TO 2-0104

STIPULATED AGREEMENT No. 1011

This agreement made and entered into, by and between the State of Illinois, acting by and through the Illinois Commerce Commission, hereinafter referred to as the "Commission", the Norfolk Southern Railway Company hereinafter referred to as the "Company", Catlin Township of Vermilion County, hereinafter referred to as the "Township", and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through written correspondence that inquiry should be made into the matter of improving public safety at the crossing of the Company's tracks with a public highway known as Township Road ("TR") 218 located near Catlin, Catlin Township, Vermilion County, Illinois, designated as crossing DOT 479 879N, milepost 309.41WA; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a representative of Commission and Company staff; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and all other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law ("Fund") be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and Orders and procedures in general.

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

DOCKETED

- a) the installation of automatic flashing light signals and gates controlled by constant warning time circuitry,

Section 3 The Company has prepared a preliminary estimate of cost, attached as Exhibit B, to accomplish the proposed improvements which it may be required to perform, and shall upon Order according to the requirements contained therein prepare detailed drawings, detailed circuit plans, estimates of cost and any required specifications for the proposed improvements for the approval of the Commission and Department.

Section 4 The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be one hundred twenty (120) days, for the submission of progress reports should be six (6) months and for the completion of the proposed improvements should be twelve (12) months, from the date of Commission Order subsequent to this agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- a) the cost for the work as outlined in Section 2(a), estimated to be \$135,000, should be divided 90% (not to exceed \$121,500), to the Grade Crossing Protection Fund, with all remaining installation costs and all future maintenance and operation costs of the warning devices being borne by the Company.

Section 6 Special Provisions. The COMPANY shall file a written report with the Director of Processing and Information, Transportation Division of the COMMISSION, within fifteen (15) days of the conclusion of each calendar quarter, stating the status of expenditures of the project and the percentage of completion of the project; if the project is behind schedule, the report must include a brief explanation of the reason(s) for the delay.

All bills for expenditures related to the installation of the automatic warning devices at the TR 218 crossing authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to Mr. Henry Cronister, Illinois Department of Transportation, Central Bureau of Local Roads and Streets, 2300 South Dirksen Parkway, Springfield, Illinois 62764. The DEPARTMENT shall send a copy of all bills received to the Director of Processing and Information, Transportation Division of the COMMISSION. The final bill for expenditures from the Fund shall be clearly marked "Final Bill". All bills shall be submitted no later than twelve (12) months from the date of completion as set forth in the COMMISSION Order subsequent to this Agreement. The DEPARTMENT shall, at the end of the 12th month from the COMMISSION Order completion date, de-obligate all residual funds accountable for the cost of the warning device installation for this project.

The COMPANY shall at six (6) month intervals from the date of the Order subsequent to this Agreement until the project has been completed, submit written reports to the Director of Processing and Information, Transportation Division of the COMMISSION, stating the progress each has made toward completion of the their work herein required. Each progress report shall include the COMMISSION Order number, the Order date, the project completion date as noted in the Order subsequent to this Agreement, crossing information (the name, title, mailing address, telephone number, and facsimile number of the COMPANY and COUNTY employee responsible for management of their portion of the project).

The Commission should grant a variance from the grade requirements of 92 Illinois Administrative Code Part 1535.204 to Catlin Township, and the Township should be allowed to maintain the north and south highway approaches to the existing grades (See Exhibit A, page 2).

Section 7 This agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this agreement by all parties, the Commission shall enter an appropriate order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 6th day of August, 2002.



Michael E. Stead
Railroad Safety Program
Administrator

Attest:


Robert S. Berry
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1011 concerning improvements at the crossing of the track of the Norfolk Southern Railway Company with TR 218, located near Catlin, Vermilion County, designated as crossing AAR/DOT 479 879N, milepost 309.41 WA.

Executed by the Township of Catlin this 9th day of August, 2002.

THE TOWNSHIP OF CATLIN

By: Don Richardson

Attest:

RECEIVED
AUG 12 2002

Illinois Commerce Commission
RAIL SAFETY SECTION

Illinois Commerce Commission Stipulated Agreement No. 1011 concerning improvements at the crossing of the track of the Norfolk Southern Railway Company with TR 218, located near Catlin, Vermilion County, designated as crossing AAR/DOT 479 879N, milepost 309.41 WA.

Executed by the Department this 26th day of August, 2002.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: James B. Easterday
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 1011 concerning improvements at the crossing of the track of the Norfolk Southern Railway Company with TR 218, located near Catlin, Vermilion County, designated as crossing AAR/DOT 479 879N, milepost 309.41 WA.

Executed by the Company this 13th day of September, 2002.

NORFOLK SOUTHERN RAILWAY COMPANY

taj

By: *HR Comstock*
General Manager

Attest:



Assistant Corporate Secretary

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT SURVEY FORM

RR/Line Norfolk Southern Milepost 309.41 WA Inventory# 479.879N

City Near Catlin Street TR 218 County Vermilion

Jurisdiction Township Urban Rural X Commercial Residential X

Street Surface Gravel Width 19' Condition Good

Angle 90° Tracks Tangent Yes Degree of Curve Superelevation

Depth of Cut Height of Fill

Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
		<u>Main</u>	<u>Concrete</u>	<u>27'</u>	<u>Good</u>
<u>14'-1"</u>	<u>Level</u>				
		<u>Main</u>	<u>Concrete</u>	<u>27'</u>	<u>Good</u>

Intersecting Roads 100' No 200' No

Traffic Control Devices Present No

ADT 70 Speed 55 mph (not posted) Statewide Yes

School buses Yes Hazardous Materials Farm Chemicals Other

Rail Traffic: Ft. 46 @ 60 mph Pass. @ mph Switch No

Simultaneous Movements Yes Daylight and Dark Yes

Existing Warning Devices Crossbuck Signs

Advance Warning Signs Yes Pavement Marking No

Visibility Study

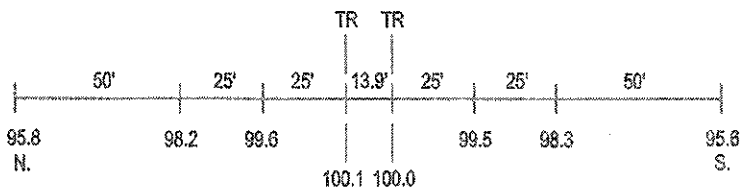
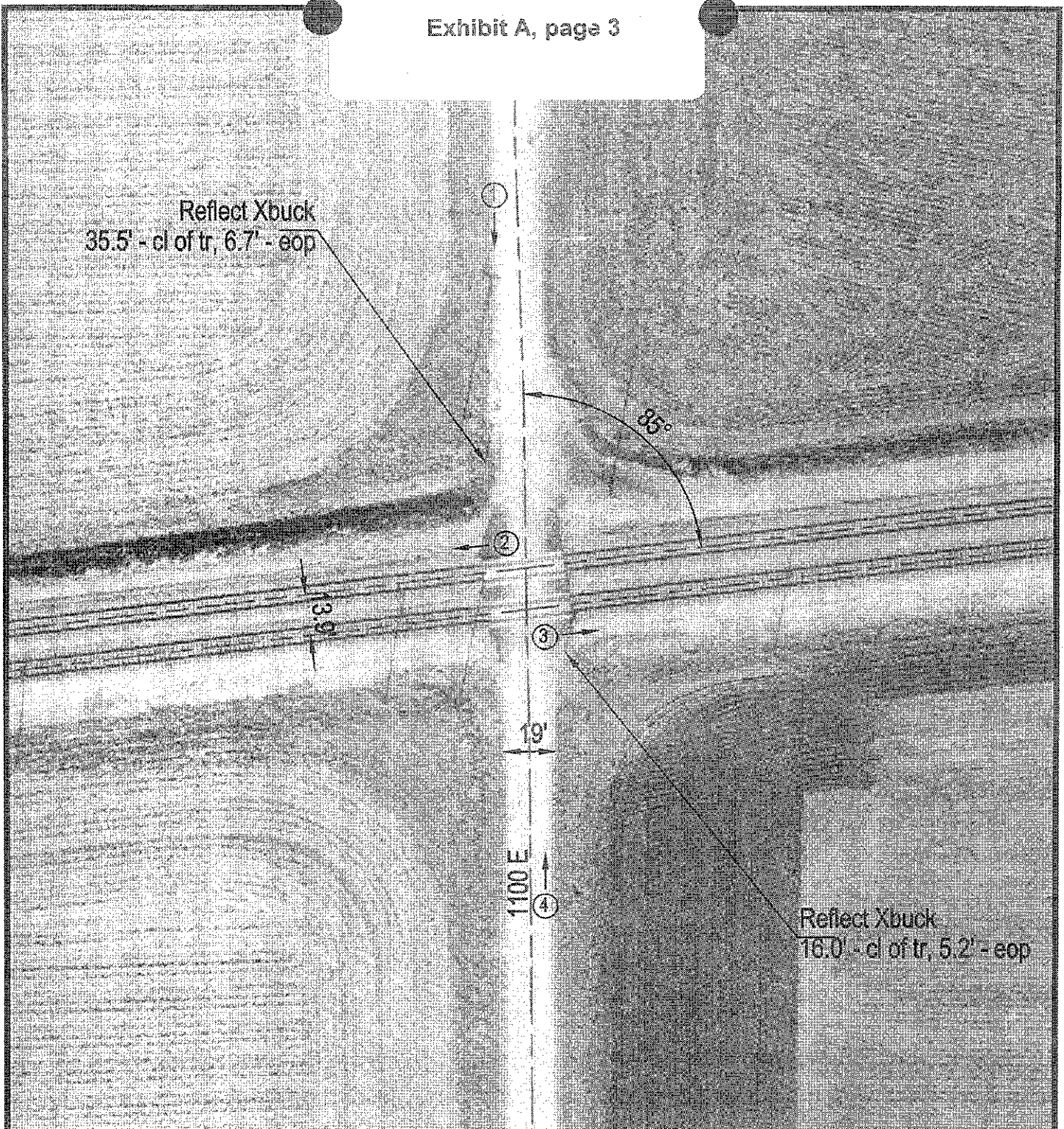
Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction
NE	NA		NA	
NW	NA		NA	
SE	NA		NA	
SW	NA		NA	

Approach Grades

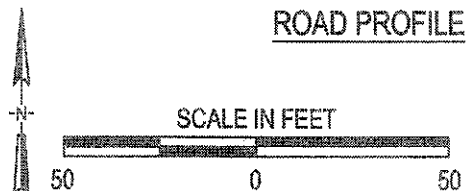
North	25	'	1.6	%		'		%		'		%
South	25	'	2.0	%		'		%		'		%

Comments: This crossing meets the minimum criteria for the installation of automatic flashing light signals and gates (the product of the average daily vehicular traffic and train traffic exceeds 3,000)

Both the north and south highway approaches to the crossing so closely meet the requirements of 92 Illinois Administrative Code Part 1535.204 (92 IAC 1535.204) that any attempt to improve the highway approaches would be impractical from an engineering perspective. Rail Safety Section staff recommends that the Township be granted a variance from the requirements of 92 IAC 1535.204, and be allowed to maintain the north and south highway approaches of the TR 218 crossing to the existing grades.



ROAD PROFILE



③ Photo Location

Crossing #: 479879N
 Location: Vermilion Co., City of Catlin (N)
 Lat/Long: 40°03'23" / 87°44'00"
 Railroad: NS
 Street: 1100 E
 Railroad Milepost: 309.41
 Crossing Protection: Signs

Norfolk Southern Railway Company - Signal Engineering Department

Ball-Park Estimate for Automatic Grade Crossing Warning Devices

City / State:	Catlin, IL	Road:	CR-1100E
Milepost:	D-309.41	DOT/AAR Number:	479 879N
Type Project:	New Installation	County:	Vermilion
S&E Project:	04.0419	State Project No.:	
Man Days:	0	File Number:	061-04.404

***** Purchases - Others *****

Meals and Lodges:	\$	7,020.00	
Rental of Equipment: (2 Trucks, 1 Backhoe w/Trailer and 1 Pipe-Pusher for: 22 Days)	\$	15,340.00	
Construction Supervision Vehicle:	\$	290.00	
Contingencies:	\$	750.00	
Purchases - Others Total:			\$ 23,400.00

***** Material and Additives *****

Material Cost:	\$	57,800.00	
Sales and Use Tax:	\$	2,890.00	
Freight Charges:	\$	5,490.00	
Material Total:			\$ 66,180.00

***** Labor and Additives *****

Labor Cost: (4 Man Crew at \$0.00 a Day for: 22 Days)	\$	18,040.00	
Payroll Taxes and Overheads:	\$	15,610.00	
Preliminary Engineering:	\$	6,670.00	
Construction Supervision:	\$	5,100.00	
Labor Total:			\$ 45,420.00
	Subtotal:	\$	135,000.00
	Credit (salvage/Scrap):	-	0.00
	Total Project Cost:	\$	135,000.00

Estimate Date: 07/15/02

Estimated By: R. H. Ray

Annual Maintenance Fee: \$0.00

(If \$0.00, does not apply)

**This Estimate Provided To Aid In Preparation And Planning
Of This Project And Is Valid For One Year From Date.**

Exhibit B